

EXHIBIT 8

REDACTED

CONFIDENTIAL

Page 1

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

5 DOROTHY FORTH, DONNA BAILEY,
6 LISA BULLARD, RICARDO GONZALES,
7 CYNTHIA RUSSO, TROY TERMINE,
8 INTERNATIONAL BROTHERHOOD OF
9 ELECTRICAL WORKERS LOCAL 38
10 HEALTH AND WELFARE FUND,
INTERNATIONAL UNION OF OPERATING
ENGINEERS LOCAL 295-295C WELFARE
FUND, AND STEAMFITTERS FUND
LOCAL 439, on Behalf of
Themselves and All Others
Similarly Situated,

No. 1:17-cv-02246

CONFIDENTIAL

VIDEOTAPED DEPOSITION of DAVID E. HALTER, JR.
San Diego, California
Thursday, December 19, 2019

23 Reported by:
 Kae F. Gernhardt, CSR No. 5342

CONFIDENTIAL

Page 165

1 BY MR. LEIB:

2 Q. So, for different drugs, they use
3 different PBMs?

4 A. I don't know how they divvy up the
5 program between PBMs, but they work with multiple
6 PBMs.

7 Q. Does MedImpact consider drug discount
8 cards such as GoodRx to be a rate offered to the
9 general public?

10 MR. OLAFSON: Object to form.

11 THE WITNESS: No.

12 BY MR. LEIB:

13 Q. Why not?

14 A. Requires active enrollment or
15 participation and sharing of information with GoodRX
16 by a member -- by an individual.

17 Q. At the time of contracting the 2010
18 agreement, did MedImpact have a view on whether club
19 prices such as the PSC were rates offered to the
20 general public?

21 A. Yes.

22 Q. And what was its view?

23 A. View was that a program that required
24 enrollment, active participation, fee, et cetera did
25 not constitute a price available to cash paying

CONFIDENTIAL

Page 166

1 customer coming in off the street on an individual
2 day.

3 Q. And a cash paying customer is the same
4 as a general public member; is that fair to say?

5 MR. AGUILAR: Objection. Form.

6 THE WITNESS: Yes. I think I defined
7 "general public" as meaning cash paying customer.

8 BY MR. LEIB:

9 Q. Is that also known as retail?

10 MR. OLAFSON: Object to form.

11 THE WITNESS: No. Retail could be a very
12 broad term.

13 MR. LEIB: We'll mark this as 136.

14 (Deposition Exhibit 136 marked for
15 identification.)

16 MR. LEIB: And this is a document Bates
17 labeled 28 -- I'm sorry, MI-F 2844 to 2845 with an
18 attachment that is Bates labeled MI-F 2848 to 2853.

19 BY MR. LEIB:

20 Q. Do you see at the bottom of the first
21 page of this document there's an e-mail from Jessica
22 Vachal. I don't know if I'm pronouncing that
23 correctly. And it says she's a proposal
24 coordinator. She works for MedImpact, correct?

25 A. Yes.

David Feldman Worldwide

800-642-1099

A Veritext Company

www.veritext.com

CONFIDENTIAL

Page 174

1 customer or a cash customer as being somebody who is
2 the general public, correct?

3 A. Yes.

4 Q. And you had said that somebody using the
5 discount card is not a part of the general public --

6 MR. AGUILAR: Objection. Form.

7 BY MR. LEIB:

8 Q. -- correct?

9 A. I think what we're distinguishing
10 between is -- is three separate things. So, program
11 participants will be paying cash, but they're
12 different than a cash paying customer who's not
13 enrolled or utilizing an available program and is
14 also not using their insurance.

15 Q. So, in that answer you're saying a cash
16 paying customer is somebody who is not enrolled or
17 using any available program and is also not using
18 their insurance, correct?

19 A. Yes.

20 Q. So, we're making a fine distinction here
21 between paying cash meaning they're handing dollars
22 over in some form and more of a term of art,
23 correct?

24 MR. AGUILAR: Objection. Form.

25 THE WITNESS: Yeah, there's -- there's a

CONFIDENTIAL

Page 192

CONFIDENTIAL

Page 193

11 Q. And we also saw that in the pharmacy
12 manual, the MedCare Pharmacy Network Policies and
13 Procedures Manuals that predate the 2016 agreement
14 use the term "cash paying customer."

CONFIDENTIAL

Page 194

The figure consists of a 15x15 grid of black bars. The bars are primarily horizontal, spanning most of the width of the grid. There are several vertical bars and some small clusters of bars. The grid is enclosed in a thick black border. The bars are of varying lengths, with some being very long and others very short. The overall pattern is somewhat abstract and lacks a clear, organized structure.

20 mark as Exhibit 139.

21 (Deposition Exhibit 139 marked for
22 identification.)

23 BY MR. LEIB:

24 Q. And this is a document that

unfortunately doesn't have a Bates label on it but

CONFIDENTIAL

Page 247

1

2

3

4 I, the undersigned, a Certified Shorthand
5 Reporter of the State of California, do hereby certify:

6 That the foregoing proceedings were taken before
7 me at the time and place herein set forth; that any
8 witnesses in the foregoing proceedings, prior to
9 testifying, were placed under oath; that a verbatim
10 record of the proceedings was made by me using machine
11 shorthand which was thereafter transcribed under my
12 direction; further, that the foregoing is an accurate
13 transcription thereof.

14 I further certify that I am neither financially
15 interested in the action nor a relative or employee of
16 any attorney of any of the parties.

17 IN WITNESS WHEREOF, I have this date subscribed
18 my name.

19

20 Dated: December 30, 2019

21

22

23



24 Kae F. Gernhardt

25 CSR No. 5342